

DRAFT DOCUMENT



Gaithersburg

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CITY OF GAITHERSBURG

MINUTES OF A REGULAR CITY COUNCIL MEETING

JANUARY 17, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Marraffa and Sesma. Council Members Absent: Edens and Schlichting. Staff present: City Manager Humpton, Assistant City Manager Felton, Planning and Code Administration Director Ossont, Grants Administrator Kauffmann, Human Services Program Manager, Senior Plans Reviewer Dennison, City Attorney Borten. Planning Commissioners present for the joint public hearings: Hicks, Hopkins, Kaufman (Alt.), Levy and Winborne.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Juan Eduardo Camacho, 5th grader, Washington Grove Elementary School, Gaithersburg, Maryland.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the minutes of the Mayor and Council meeting held December 19, 2005, be approved.

Vote: 3-0

- Approval of the January 3, 2006 minutes of the Mayor and City Council, deferred.

IV. CONSENT ITEM

Resolution for the Design of the Gaithersburg Rolling Stock Project

This resolution authorizes the City Manager to enter into a contract for design services for the Rolling Stock Project at the Community Museum in Olde Towne with MHG, Inc., 9220 Wightman Road, Suite 200, Montgomery Village, Maryland 20886-1279, in the amount of Nineteen Thousand Dollars (\$19,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MACRIS, HENDRICKS AND GLASCOCK FOR THE DESIGN OF THE GAITHERSBURG ROLLING STOCK PROJECT (Resolution No. R-2-06), be approved.

Vote: 3-0

V. APPOINTMENTS**Resolution Confirming Appointments and Reappointments to Various Committees**

This resolution confirmed the following: **Beautification Committee**, Carol Tussey (reappointment), 101 Odend'hal Avenue, #210, 20877, two-year term; **Bicycle Pedestrian Advisory Committee**, Peter Darmody (appointment), 127 Hart Road, 20878; indefinite term; **Education Committee**, CDR James Simpson (reappointment), 1349 Carlsbad Drive, 20879, two-year term; **Environmental Affairs Committee**, Rachel Hopp (reappointment), 1371 Main Street, 20878, Matthew Hopkins (reappointment), 106 Fairgrove Terrace, 20877, and CDR James Simpson (reappointment), 1349 Carlsbad Drive, 20879, two-year terms; and the **Multicultural Affairs Committee**, Maxine Oliver (reappointment), 426 Belle Grove Road, 20877 and Linda Plummer (reappointment), 17720 Garrett Drive, 20878, two-year terms.

Motion was made by Council Member Sesma, seconded by Council Member Alster, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS BY THE MAYOR TO THE BEAUTIFICATION COMMITTEE, BICYCLE PEDESTRIAN ADVISORY COMMITTEE, EDUCATION COMMITTEE, ENVIRONMENTAL AFFAIRS COMMITTEE AND THE MULTICULTURAL AFFAIRS COMMITTEE (Resolution No. R-3-06), be approved.

Vote: 3-0

VI. PRESENTATIONS**1. Certificates of Recognition – Dr. Martin Luther King, Jr. Essays**

Mayor Katz, Council Member Sesma and City staff participated in a joint proclamation with Montgomery County, Takoma Park, and the Town of Garrett Park at the Annual Dr. Martin Luther King, Jr. Celebration held Monday, January 16, 2006 at the Bethesda North Marriott Hotel and Conference Center.

Members of the City's Multicultural Affairs Committee judged and selected three 1st place winners and two honorable mentions for essays submitted to the City's 14th Annual Martin Luther King, Jr. Literary Arts Contest. Over 300 area Gaithersburg students participated in the contest.

The 1st place winners were: Spencer Glass and Juan Eduardo Camacho, 5th graders at Washington Grove School, and Ryan Moy, 3rd grader at Laytonsville Elementary School. The Honorable Mentions were: Margaret Copozzi, 5th grader at Washington Grove Elementary School and Constantine Kutson, 3rd grader at Laytonsville Elementary School. The students read their essays and were presented with Certificates of Recognition from the City and awards from the *Gaithersburg Gazette*.

2. GREAT Awards

Gaithersburg Elementary School, Gaithersburg High School and Summit Hall Elementary School were recipients of the award. Mayor Katz along with Eileen Shea and Mike Bucci, members of the Education Committee, presented the awards. GREAT stands for "Gaithersburg Recognizing Educational Achievement Today" and its mission is to promote and celebrate higher achievement and successes in Gaithersburg area schools. The goal of GREAT is to recognize schools, increase student success and promote "best practices" models.

Gaithersburg Elementary School celebrated the success of their school reading intervention program monitored and supported by teachers and support staff throughout the school year to ensure an improvement in the students reading abilities.

Gaithersburg High School is one of 150 high schools in the U.S. to have an Academy of Information Technology. The school is celebrating their program that prepares over 130 students for post-secondary education and careers through a theme-based, contextualized curriculum combined with hands-on work experiences to help students develop the thinking and problem solving skills so critical to post-secondary education and career success. The students are involved in computer programming, website development or computer networks.

Summit Hall Elementary School celebrates a special partnership that they have with Manna Food Center and the Montgomery County Teachers Federal Credit Union and their Community Involvement Team. 15 of the neediest families at Summit Hall take home a backpack of non-perishable foods each weekend and return the backpack each week for refilling for the next weekend. A unique and beneficial program and most innovative business/school partnership!

3. Certificate of Recognition

Mayor Katz presented a Certificate to Greg Dennison, Senior Plan Reviewer for the City. Mr. Dennison was presented with the "Plan Reviewer of the Year" award form the Maryland Building Officials Association. The award recognizes outstanding service and commitment, and honors those who promote professionalism and consistency in the application and enforcement of building code throughout Maryland. Senior Plan Reviewer Dennison has been employed by the City for 18 years overseeing residential plan review and inspections.

4. Proclamations

- Mayor Katz issued a Proclamation designating January 15 - 21, 2006, as "*Gaithersburg/Germantown Jaycee Week*" in the City of Gaithersburg. The Jaycees is a volunteer organization comprised of professional men and women between the ages of 21 and 39, who are interested in improving their career, networking, and/or gaining new skills and experiences. The Gaithersburg/Germantown Jaycees have assisted the Department of Parks, Recreation and Culture through numerous means in the last six years, providing volunteer support for special events in the City. The Jaycees were named the Organization of the Year in the City of Gaithersburg for 2004. Accepting the Proclamation was Jeff Snyder, President of the Gaithersburg/Germantown Jaycees.
- Mayor Katz issued a Proclamation designating January 16 - 20, 2006, as "*Accounting Awareness Week*" in the City of Gaithersburg. The Maryland Society of Accountants (MSA) is a professional membership organization comprised of tax practitioners, bookkeepers, enrolled agents, accountants and CPA's, throughout the State of Maryland. Accounting Awareness Week is a week long series of events that allow members of the MSA an opportunity to provide education and information for their local communities. Accepting the Proclamation was Marion Thompson, Second Vice President of the Maryland Society of Accountants.

5. Report from the City Manager on the City's Strategic Planning Retreat

City Manager Humpton gave an overview of the City's Strategic Planning Retreat held January 6 – 7, 2006. He highlighted major topics, including the City's financial position, and discussed the City's Strategic Directions. The Strategic Planning Retreat provides an excellent opportunity for the Mayor and Council, and Senior Staff to establish short term and long term goals, identify improvement areas, and begin to set the work session schedule for the coming year. The Strategic Plan document assists City staff with developing the proposed operating and capital budgets and the creation of work plans for City departments and staff. The Strategic Plan is a document to help residents understand the City's goals.

He stated that a presentation entitled "Gaithersburg – A Changing Community" was shown illustrating many of the changes that occurred over the last twenty to twenty-five years. Statistics relating to population growth and median incomes, the City's housing stock, police calls, and the

growth of the City's work force and total budget were discussed by the group. Following staff's presentation, the Mayor and City Council participated in a goal setting exercise. Responses were gathered relating to capital project priorities, potential personnel growth areas, and possible improvements to City programs. During the next session, Assistant City Manager Tony Tomasello and Finance Director Belton gave a financial presentation to update the Mayor and Council on the City's financial condition and to discuss issues that could have significant fiscal impacts in the future. The City's main revenue sources remain relatively stable or are increasing. He stated that property tax revenues especially are expected to continue to rise steadily for the foreseeable future.

City Manager Humpton stated that a majority of the retreat was spent discussing the ten existing Strategic Directions and presented a new strategic direction on emergency management. He gave an overview of the discussions and presented the following strategic directions:

#1 Planning and Development, ensure that all planning and development considers and responds to the City's environmental, transportation, economic, social, and civic needs; *#2 Traffic and Transportation*, implement traffic and transportation planning and management strategies to improve the safety, structure and function of streets, transit, bikeways and sidewalks within the City; *#3 Olde Towne*, actively pursue Gaithersburg Olde Towne District Master Plan; *#4 City Services*, maintain and enhance priority City services; *#5 Housing*, pursue programs that preserve and improve current and future housing stock and mix (e.g., aging apartments); *#6 Community Policing*, maintain support of neighborhood community policing programs; *#7 Parks and Recreation*, implement the Master Plan for parks, recreation, culture, and leisure activities; *#8 Environmental*, implement recommendations from ongoing evaluations of natural resources and encourage protection and enhancement of the environment (streams, parks, stormwater management, and other CIP projects); *#9 Economic Development*, actively pursue economic development programs and strategies; *#10 Communication*, ensure effective and consistent communication activities and implement programs that promote citizen involvement; and the newest Strategic Direction is *#11 Emergency Management*. The initiative, which has seven goals attached to it, is intended to ensure that the City is prepared to respond to disasters and emergencies in cooperation with other levels of government. The education of our residents to plan for various emergency scenarios including what items they need to take with them in the case of an evacuation will be addressed. He stated that the City will also introduce a new "Alert Gaithersburg" system via the website that will allow for citizens to be informed quickly of developing emergency situations on the communications device of their choice.

In conclusion, he stated that the draft Strategic Plan document will be available to the public by the close of business on Monday, February 6, 2006. The public can learn more about the City's Strategic Plan as well as provide input on the FY 2007 Budget during the Budget Public Forum on Wednesday, February 8, 2006 at 7:30 p.m. in the Gallery at City Hall. Additional public comment can be given during the regular meeting of the Mayor and City Council on Monday, March 6, 2006, at 7:30 p.m. at City Hall. It is anticipated that the final Strategic Plan will be adopted by the City Council on Monday, March 20, 2006. Mr. Humpton thanked the Mayor and City Council for their participation and Assistant City Managers Felton and Tomasello, and Finance Director Belton for attending the retreat and preparing the background materials, presentations and charts used.

VII. PUBLIC APPEARANCES

1. *Louis Salamone, Senior VP of GXS, 100 Edison Park Drive*, presented his companies views on the potential development in an around and including the building that they occupy. He stated that the entire building is leased by GXS, but the low usage and high operating has caused them to consider getting out of the lease or subletting. He further stated that they have tried to sublet the space without much success. GXS supports the City and the developer in the attempt to achieve a mixed use zoning that would allow the property to be redeveloped for upscale residential community with neighborhood office, restaurants and recreational uses. He expressed support for the mixed use proposed by the City in Option III, but believes that it may be too restrictive.

2. *Marc Solomon, Finmarc Management, Inc., 4733 Bethesda Avenue, owner of warehouse,* expressed concern that his company did not have sufficient opportunity to give input on the mixed use proposed development and the rezoning of the property.

VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Alster

1. Congratulated the recipients who participated in the Annual Martin Luther King, Jr. Celebration.
2. He also congratulated the schools that received GREAT Awards from the City earlier in the meeting.

Council Member Marraffa

1. Applauded the students and schools on receiving the GREAT Awards.
2. Stated that he is the Chairman of the Community and Economic Development Policy and Advocacy Committee of the National League of Cities. He recently attended the Leadership Conference where the agenda for the year is set. The three priorities discussed were the Telecommunications Act Reform, Immigration Task Force, and Community Development Block Grants. Other items discussed were FEMA and emergency management.

Council Member Sesma

1. Congratulated the students, schools and parents on the receipt of GREAT Awards and the students that participated in the Dr. Martin Luther King, Jr. Celebration.
2. Announced that resident registration for the City's 2006 Summer Camps will begin January 18, open registration on February 22, 2006. He stated that many changes have been made to the camp programs.

Mayor Katz

1. Announced the City will conduct a work session on Monday, January 23, 2006, to receive updates from the Friends of Wells/Robertson House and the Olde Towne Gaithersburg Day Ad Hoc Advisory Committee.
2. Announced the upcoming joint work session scheduled for Tuesday, January 31, 2006, to receive a presentation from the City of Rockville on their recently adopted Adequate Public Facilities Ordinance.
3. Asked City Manager Humpton to schedule interviews on Monday, January 30, 2006, to fill the vacancies on the City's Board of Appeals.
4. Reported that Planning Commissioner Victor Hicks will be moving out of Gaithersburg and submitted his letter of resignation from the Commission effective February 1, 2006. He thanked Mr. Hicks for his years of service and announced that letters of interest to be considered for appointment to the Planning Commission should be submitted by Monday, February 13, 2006, 5 p.m.
5. Announced that City staff will conduct a public meeting on Wednesday, February 1, 2006, 7 p.m. at the Activity Center at Bohrer Park, to discuss FY '07 Community Development Block Grants and Housing Opportunities for Persons With Aids Funding.

IX. FROM THE CITY MANAGER

1. Updated the Mayor and City Council on the closing of the record for MP-2-04, GE Tech Park Special Study Area. He stated that at the Mayor and City Council meeting held on January 3, 2006, it was announced that the record would close on Wednesday, January 11, 2006. City Attorney Borten informed Mr. Humpton that a motion should have been done by the City Council to close the record. He stated that due to the error, the record will remain open. He announced that staff prepared a press release and posted on the website that the record will remain open to receive additional comments. He further stated that several correspondences were received asking that the record stay open for various reasons. Mayor Katz suggested that the record be held open indefinitely and asked staff to investigate the possibility of a town hall meeting.
2. Reported that the Day Laborer Task Force is conducting a meeting tonight, January 17, 2006. At their last meeting, the Task Force interviewed members of the previous ad hoc work group which is one of the charges of the Task Force. He stated that additional information is available on the City's website at www.gaithersburgmd.gov.
3. Announced the City held a Council in the Communities meeting with the Quince Orchard Park community.
4. Received information from a citizen in the Kentlands about disturbing behavior in the area. Mr. Humpton read a police report regarding graffiti and vandalism in the area. He stated that he asked Police Chief Viverette to further investigate the matter.

X. PUBLIC HEARINGS

1. **Joint – T-375, Proposal to Amend Chapter 24 of the City Code Entitled "Zoning," Article III, Entitled, "Regulations Applicable to Particular Zones," Division 14, Entitled, "I-1 Zone, Light Industrial," Division 15, Entitled, "I-3 Zone, Industrial and Office Park," and to Correct Typographical Errors and to Require Adherence to Additional Regulations When Building in an Industrial Zone That Abuts Residential Uses**

Planning and Code Administration Director Ossont stated that the joint public hearing was advertised in the *Gaithersburg Gazette* issues of January 4 and 11, 2006. He stated that a work session was held on September 12, 2005, and is sponsored by the Mayor and City Council. He stated that staff has reviewed the I-1 and I-3 zones for existing language that ensures compatible development in industrial zones that could potentially effect existing residential development. He stated that the proposed text amendments are limited to two sections of the City Code. He further stated that the proposed amendments increase setbacks and apply additional development standards when developing properties abutting or adjacent to residential properties.

Council Member Alster questioned the language generally compatible for development. MR. Ossont responded that general compatibility would have to be demonstrated upon the application with the Planning Commission for the review of the design codes. Council Member Marraffa questioned the effects on properties with annexation agreements. City Attorney Borten stated that if an annexation agreement is in place, the City would have to look at the terms of the agreement, review what may be affected and whether an amendment to the agreement is necessary. Planning Commissioner Hopkins questioned why tenting was not eliminated with the increased setback and maximum height of a setback. Mr. Ossont stated that tenting would not be eliminated unless it is abutting a residential use. He further stated that it is more of a density issue and not a height issue.

Speaker from the public:

Marc Solomon, Finmarc Management, Inc., 4733 Bethesda Avenue, owner of warehouse, stated that the warehouse is currently zone I-3 as part of the GE Special Study Area. He submitted a letter to the City Council, Planning Commission and staff expressing concerns of the rezoning and impact of the his property.

There were no other speakers at the hearing.

Motion was made by Commissioner Levy, seconded by Commissioner Kaufman, that the Planning Commission record on T-375, be held open indefinitely.

Vote: 5-0

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the City Council record on T-375, be held open indefinitely.

Vote: 3-0

2. **Joint – T-376, Proposal to Amend Chapter 24 of the City Code, Entitled, “Zoning,” Division 19, Entitled, “MXD Zone, Mixed Use Development,” Section 24-160d.1, Entitled, “Purposes and Objectives,” Section 24-160d.2, Entitled, “Minimum Location and Development Requirements,” and Section 24-160d.9, Entitled, “Application and Processing Procedures,” so as to Require Smaller Parcels to Demonstrate Compatibility With Adjacent MXD Parcels Through Detailed Sketch Plans, Provide Internal and External Compatibility Among MXD Parcels While Not Requiring All Uses at All MXD Parcels**

Planning and Code Administration Director Ossont stated that the joint public hearing was advertised in the *Gaithersburg Gazette* issues of January 4 and 11, 2006. A joint work session was held on September 12, 2005, for the proposed amendment and is sponsored by the Mayor and City Council. He stated that the requirements of the Mixed Use Zone (MXD) have been discussed during a number of public hearings and work sessions. He stated that the discussions focused on compatibility and whether or not development projects under the MXD zone should require a mix of uses within all land uses components of a multi-use project. He stated that staff has reviewed the requirements and standards. The propose language more clearly defines the objectives and requirements of future development with the MXD Zone and also clarifies requirements for single parcels of less than 10 acres.

There were no speakers at the hearing.

Motion was made by Commissioner Kaufman, seconded by Commissioner Winborne, that the Planning Commission record on T-376, be held open indefinitely.

Vote: 5-0

Motion was made by Council Member Sesma, seconded by Council Member Alster, that the City Council record on T-376, be held open indefinitely.

Vote: 3-0

XI. ORDINANCES AND RESOLUTIONS

1. **Z-294 - Resolution of the Mayor and City Council of Gaithersburg Accepting the Request to Withdraw Without Prejudice Zoning Map Amendment Z-294, Rezoning of 23.4 Acres of Land, Now Known as Casey East (Formerly a Portion of Parcel 910 and Outlot 1B, Now Portions of Parcels P360, P563, and N455), Located at the Northwest Intersection of MD Route 355 (North Frederick Avenue) and Watkins Mill Road, in the City of Gaithersburg, From the Existing I-3 (Industrial Office Park) Zone to the C-2 (General Commercial) Zone in Accordance With Section 24-196 (Map Amendments) of the City Code**

Planner Patula stated that the proposed resolution is a housekeeping item. She stated that on May 19, 2005, Gary Unterberg of Rodgers Consulting wrote a letter on behalf of the applicant, BP Realty Investments, withdrawing Zoning Map Amendment of Z-294. The letter was submitted in conjunction with a new zoning map amendment application for the same property, Z-301, which is currently under review.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that the above withdrawal (Resolution No. R-4-06), be approved.

Vote: 3-0

2. **Resolution Awarding Matching Grants**

This resolution authorizes the City Manager to award matching grants to the Kentlands Citizens Assembly, in the amount of Two Thousand One Hundred Eight-Three Dollars (\$653) for new landscaping and the Shady Grove Village I Condominium Association, in the amount of Five Hundred Thirty-Eight (\$538) for erosion control upon determining that the projects are completed as proposed, in the total amount of One Thousand One Hundred Ninety-One Dollars (\$1,191); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO KENTLANDS CITIZENS ASSEMBLY AND SHADY GROVE VILLAGE I CONDOMINIUM ASSOCIATION (Resolution No. R-5-06), be approved.

Vote: 3-0

XII. POLICY DISCUSSION

T-366 - An Ordinance to Repeal and Reenact With Amendments, Chapter 24 (Zoning Ordinance) of the Gaithersburg City Code, Article IX, Entitled, "Signs," so as to Generally Amend Regulations Pertaining to Sign Height, Total Square Footage and Type Permitted and Free Standing Sign Requirements

Planning and Code Administration Director Ossont stated that a public hearing was held by the City Council on September 6, 2005, and the record closed on January 6, 2006, with no additional input from the public. In response to a question, Mr. Ossont stated that as part of the Planning Commission's recommendations, the City has published for the public, a user friendly guide on signage and frequently asked questions about the sign ordinance.

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the above Ordinance (Ordinance No. O-1-06) be adopted.

Vote: 3-0

XIII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:04 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Administrative Assistant